

# MAINE DEPARTMENT OF EDUCATION



## FIELD GUIDE: SERVING STUDENTS WITH IEP AND 504 NEEDS IN CTE

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**Introduction**

Schools offering Career and Technical Education (CTE) programming within the state of Maine are providing students' opportunities to obtain career focused skills in a variety of industry areas. As educators it is important that we acknowledge the diversity among our student body and strive to meet the needs of each individual, so that they may reach their full potential. This field guide is intended to be a reference source for those educators supporting students with IEP and 504 needs by highlighting best practices, identifying legal responsibility of both CTE and sending schools, and providing teaching strategies that may be employed within the classroom and lab environments.

**Choosing the CTE Path**

CTE may be identified as an appropriate path for students with disabilities when student interests, strengths, and preferences are compatible with CTE offerings. The Individualized Education Program (IEP) developed by the IEP Team may include CTE as an educational pathway, particularly when the opportunity aligns with the student's post-school goals. Accessibility to CTE programming cannot be limited due to a student's disabilities. However, students with disabilities may be required to meet program specific prerequisites set forth by the CTE when such prerequisites are validated as essential for participation. Examples of this may include competencies that ensure safety and industry compliance. (See *Prerequisites and Enrollment Processes* for additional information)

**Related Legal References:** MUSER I.5, V.5; Guidelines IV.K

**Recruiting for ALL students**

Recruitment for programs within CTE must be conducted in a way that does not exclude students with disabilities from accessing CTE opportunities. Promotional materials and activities, prerequisites, and enrollment practices must not create undue barriers, nor may they perpetuate stereotypes through text or illustration. To the extent possible, promotional materials should aim to highlight students with disabilities in spaces where they have not been traditionally represented. Recruitment activities such as program tours, career fairs, and school assemblies must be scheduled at times in which most students with disabilities within the targeted school population are able to attend. In addition, should accommodation be required for a student to participate fully in recruitment activities, it is the role of the sending school and/or CTE to provide such accommodations. (See *Division of Financial Responsibilities* for more clarity around this concept)

**Related Legal References:** Guidelines V.A, V.C and V.E

**Determining Enrollment Eligibility**

*Counseling for Prospective Students:*

Both sending schools and CTE schools are responsible for ensuring all students, including students with disabilities, are guided toward programs that match their interests, strengths, and preferences. It is not an acceptable practice to steer students toward a particular program due to an assumption

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of potential for success, potential future employment, or assumption of need for a more restrictive environment. Maine CTE programs are not eligible to hold the designation of a special education program. However, an exploratory program or employability skills program may be an appropriate baseline for a student needing to build confidence and career-based skills prior to entering a more technical trade program, or is uncertain of their interest and where exposure to career options will assist the student's future planning.

*Least Restrictive Environment (LRE):*

To the maximum extent possible, students with disabilities must be provided learning opportunities alongside peers who are nondisabled. Separate programming for students with disabilities within the CTE setting is not allowable. As IEP teams consider programming options, it is essential that the team evaluates student characteristics, instructional style, physical environment and learning outcomes to ensure a safe LRE can be established and maintained. To do this, CTE schools may offer sending schools program and skill inventories that provide valuable information for informed decision making. Such inventories may include:

- Program inventory: includes tools, instructional methods, physical environment, and evaluation strategies used in each course. This can be particularly helpful to stimulate conversation on environmental accommodations and modifications.
- Basic skills inventory: Providing a list of the prerequisites and basic skills (e.g., following directions, staying on task, listening, etc.) necessary for students with disabilities to succeed will enable the IEP committee to make informed decisions about appropriateness. This skills list will encourage discussion about individualized accommodations and modifications.
- Developed skills inventory: This inventory enables CTE instructors to establish the skills that students are likely to acquire by the end of the course. Assigning a rubric for mastery of the various skills will allow for discussion on content modifications and for students with disabilities.

*Program Prerequisites and Enrollment Processes:*

CTE schools should establish an enrollment process that is consistent for all students and that does not create unnecessary barriers or burdens for students with disabilities. Illegal questions related to disability status or required accommodations must be omitted from the application for enrollment, and IEP status should not be requested prior to a student's acceptance into a program. Prerequisites specific to individual programming may be required if determined to be necessary for learning acquisition or due to industry required expectations. However, prerequisites can successfully be met with or without accommodations and must be made clear to all students, parents and sending schools by articulating them in course catalogues and online program descriptions. A one size fits all programs approach to establishing prerequisites is not appropriate for setting enrollment standards as justification must be met for each program. To help illustrate this point, below is a chart providing examples of prerequisite that are justified or unjustified with an explanation of this determination.

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Example Prerequisites				
Program	Prerequisites	Justified	Not Justified	Explanation of Determination
Health Occupations	Ninth grade English composition	X		Required reading is complex, extensive, and includes acquisition of scientific medical terminology. Students with less than a ninth-grade reading level will experience significant struggles to attain the essential learning.
Health Occupation	Reads and writes in English		X	Without a qualifier such as 'ninth grade' there is no clear way to measure this prerequisite. This targets those with English as a second language which is a protected class.
Automotive	Ninth grade English composition		X	Textbook is used but is not the stand-alone source for learning. New terminology is industry specific and can be acquired through multiple means of introduction.
Health Occupations	Must be 16 years of age	X		State Medical Board requires all students training to become a medical professional be 16 years of age upon the start of their training program.
Electrical	Algebra I	X		Students will be required to learn advanced mathematic principles. A basic understanding of algebraic concepts is a reasonable expectation.
Childcare	Algebra I		X	Students in childcare will not be exposed to mathematic principles that require significant base knowledge.
Emergency Medical Technician (EMT)	Good physical and mental health		X	As a public entity we may not discriminate based on physical or mental disabilities. 'Good' is a subjective term that is unmeasurable.
Commercial Driver's License (CDL)	Valid Maine class C driver's license	X		Maine state regulations require all CDL students to have a Maine class C driver's license to receive their class A and B driver's permit.

**Related Legal References:** Guidelines IV.A., IV.N, V.A, V.B; IDEA 300.114–300.117

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**Establishing Need and Navigating the IEP Process**

Once a student has been enrolled in a program the CTE may then request any relevant IEP information from the sending school. It is recommended that sending schools provide IEP information to the CTE as well in advance of the pending school year as possible. This helps to inform the school as to what accommodations and/or modifications to instructional materials and environmental conditions are required and provides opportunity for planning.

**CTE Role in the IEP Process**

*IEP Team Responsibilities*

At any point throughout a student's CTE experience the sending school, a parent, or the CTE may initiate an IEP meeting for the benefit of the student. It is in the best interest of the learner that CTE instructors and/or administrative staff be included in all IEP meetings related to current or future students. If a CTE representative is unavailable to attend, written feedback from the CTE instructor should be provided during meetings as need may vary based on student performance and learning environment. CTE representatives should attend IEP meetings with the intention of both providing and acquiring needed information to help their students obtain success. Some questions worth asking during a meeting include:

- What disability category qualified the student for special education services?
- How does this disability affect the student's: academic performance (reading, writing, calculation)? functional performance (related service needs, executive functioning skills)?
- What student interest/aptitude measure was used to match him or her to the program?
- How can I help develop CTE-related IEP goals and/or objectives?
- How can I make my curriculum and my class accessible and safer for the student?
- What related services will be available to assist the student in making progress toward program goals?
- What documentation should be kept and how often should it be updated to help inform the team on student progress and if accommodation adjustments are required?

Knowing what question to ask to identify need is a good first step. However, the instructor or CTE representative, should also be prepared to provide written or verbal answers to the following:

- How does the student's ability affect involvement and progress in the technology center class or program?
- What are the student's strengths that have been observed or demonstrated in the class or program?
- What are the student's challenges that affect or could affect participation in the class or program?
- Are there physical barriers that restricts the student's access to the classroom, lab or program equipment?
- What accommodations appear to be effective?
- What accommodations do not appear to be effective?

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- Are there accommodations you would like the IEP team to consider?
- Are there behavioral concerns?
- What competencies or skills are required for the student to be successful in the program?
- What industry assessments are used and are there allowable accommodations?
- List any concerns or other information that should be considered or discussed during the IEP meeting.

*Accommodations and Modifications*

In the “Supplementary Aids and Services” section of the IEP appropriate program modifications and accommodations are identified. It’s important to acknowledge that differing learning environments may require accommodations and modifications reflective of the activities conducted in that space. This means what is appropriate and sufficient in the general academic classroom may not be applicable or satisfy the needs in the CTE environment. Accommodations are supports and services that allow the students to fully access the general curriculum or learning activities. Often accommodations focus on making accessible instruction and assessments, learning and work environment, and job or task requirements by adjusting how a student accesses learning. Whereas, modifications are changes to what program content, required work, or skill level a student is generally required to meet. Modifications involve reducing or adjusting expected learning outcomes to better meet the individual goals and capabilities of a student with disabilities.

Sample Accommodations	Sample Modifications
<ul style="list-style-type: none"> <li>• Specialized tool or technology provided to student to aid in completing required tasks.</li> <li>• Extended time to complete assessments or assignments.</li> <li>• Electronic/printed copies of PowerPoints or instructional notes provided to student.</li> <li>• Frequency of breaks increased.</li> <li>• Allowance for retaking assessments.</li> <li>• Voice to text translation tools.</li> <li>• Spoken assessments verses written.</li> <li>• Instructional materials are provided both verbally and in written format.</li> <li>• Visual aids to assist with memorization of new concepts or vocabulary</li> </ul>	<ul style="list-style-type: none"> <li>• Revising assignments to reduce complexity or workload.</li> <li>• Adapted activities or objectives to suit the student’s physical, behavioral, or intellectual needs.</li> <li>• One-to-one education technician provided to increase a student’s capacity for program participation.</li> <li>• Program enrollment extended so student may acquire greater learning over a longer timeframe.</li> <li>• Providing hints or clues to correct responses on assignments and tests, such as the page number in the book where the answer to the question can be found.</li> </ul>

*Division of Financial Responsibilities*

In Maine, funds to support students with IEP and 504 needs are allocated to the School Administrative Unit (SAU) placing the fiscal responsibility for services primarily on the sending school. This includes the cost for support personnel, specialized services or programming, equipment, and materials that are provided to help meet an individual’s identified accommodations

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and modifications within the IEP. However, if equipment or services are to become permanent features of a program which all students may access, then it is the CTE school's responsibility to absorb this cost. For example, a knife with an angled handle to accommodate students with grip or dexterity issues that will stay in the program for future student use, would be covered by the CTE. Whereas an education technician who is there to support a specific student, or a voice to text translator that a student carries from one educational space to another, would be financially covered by the sending SAU.

*Accurately Reporting CTE Programing*

Given CTE programs are not eligible to operate with a special education designation, when considering LRE, time spent at CTE must be reported as time spent in the general education setting.

*Transition Planning*

Transition planning refers to a coordinated set of actions that facilitates a student's movement from school to postschool activities. Transitional plans are often considered within the context of the IEP so when appropriate a CTE representative should be included within plan development.

*Pre-Employment Transition Services (Pre-ETS)*

The Maine Department of Labor's Division of Vocational Rehabilitation (DVR) and Division for the Blind and Visually Impaired (DBVI) provide Pre-ETS for students with disabilities beginning at age 14. These services include job exploration counseling, work-based learning experiences, advising on opportunities for post-secondary training and education, workplace readiness training, instruction in self-advocacy, as well as other transition services that assist students with disabilities to prepare for and enter meaningful employment. As such partnerships between DVR/DBVR and CTE can be beneficial to students and are encouraged. See the *Work-Based Learning* section for more information.

**Related Legal References:** Guidelines IV.N, VI.A; 34 CFR 104.4(a); 104.33-104.36; 28 CFR 35.130; 20 USC Ch. 33 §1411 (e.2), §1414 (d); 05-071, Ch. 101 VI.B, XVIII;

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<b>IDEA Disability Categories of Eligibility</b>		
ID Code	Disability Category	Description
01	Intellectual Disability	Intellectual disability is significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance.
02	Hearing Impairment	Hearing impairment is an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but is not included under the definition of deafness.
03	Deafness	Deafness is a hearing impairment so severe that a child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child's educational performance.
04	Speech and Language Impairment	Speech or language impairment includes communication disorders such as stuttering, impaired articulation, a language impairment or a voice impairment that adversely affects a child's educational performance.
05	Visual Impairment including Blindness	Visual impairments including blindness are impairments in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.
06	Emotional Disability	<p>Emotional disability is a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:</p> <ol style="list-style-type: none"> <li>a. An inability to learn that cannot be explained by intellectual, sensory or health factors.</li> <li>b. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.</li> <li>c. Inappropriate types of behavior or feelings under normal circumstances.</li> <li>d. A general pervasive mood of unhappiness or depression.</li> <li>e. A tendency to develop physical symptoms or fears associated with personal or school problems.</li> </ol> <p>The term includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have emotional disabilities.</p>
07	Orthopedic Impairment	Orthopedic impairment is a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone

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		tuberculosis) and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).
08	Other Health Impairment	Other Health Impairment involves having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment and meets two criteria: <ul style="list-style-type: none"> <li>• It is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia and Tourette syndrome.</li> <li>• It adversely affects a child's educational performance.</li> </ul>
09	Specific Learning Disability	Specific Learning Disability is a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing or motor disabilities; of intellectual disability; of emotional disturbance; or of environmental, cultural or economic disadvantage.
10	Deaf-Blindness	Deaf-blindness involves simultaneous hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that students cannot be accommodated in special education programs solely for children with deafness or children with blindness.
11	Multiple Disabilities	Multiple disabilities are simultaneous impairments (such as intellectual disability-blindness, intellectual disability-orthopedic impairment, etc.), the combination of which causes such severe educational needs that they cannot be accommodated in a special education programs solely for one of the impairments. The term does not include deaf-blindness.
12	Developmentally Delayed	For children from birth to age 3 (under IDEA Part C) and children from ages 3 through 9 (under IDEA Part B), the term developmental delay, as defined by each state, means a delay in one or more of the following areas: physical development; cognitive development; communication; social or emotional development; or adaptive [behavioral] development.
13	Autism	Autism is a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3, that adversely affects a child's

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		educational performance. Other characteristics often associated with autism are engaging in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines and unusual responses to sensory experiences.
14	Traumatic Brain Injury	Traumatic brain injury is an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not apply to brain injuries that are congenital or degenerative or to brain injuries induced by birth trauma.

**Related Legal References:** 20 USC Ch. 33 §300.8

**Creating Safe and Welcoming Learning Spaces**

Students learn best when they feel respected, included, and valued. How an instructor designs the curriculum, learning spaces and communicates with students will affect how a student responds to the environment. Areas of consideration when fostering an environment of inclusion include but are not limited to:

- Nurturing a sense of belonging among peers
- Clearly defined expectations and student goals
- Differentiated instruction to accommodate various learning needs
- Physical accessibility of classroom/lab spaces
- Multi-tiered system of support available for student access
- Diversity of representation in which students can identify
- Community and family involvement

When the learning environment has been effectively cultivated all students will have equitable access to learning, will be treated equitably, and will feel supported in their learning.

**Inclusive Messaging**

Students receive messages related to classroom culture through verbal and nonverbal cues. These cues may come in the form of body language, tone of voice, visual, spatial, or social signals that intentionally or unintentionally communicate belonging and acceptance. As such, instructors can orchestrate messages sent and received by designing the physical space, curriculum materials and the social and behavioral norms to emanate inclusion and acceptance. Some examples of inclusive messaging can be seen in:

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- Portrayal of persons with disabilities in relevant occupational settings are represented in classroom wall displays
- Diverse representation of populations across promotional materials
- Inclusion of diverse speakers in which students with disabilities are represented
- Curriculum materials reviewed and presented with intension to be inclusive both in imagery and text
- Students with disabilities are included fully in events and activities related to programing
- Students with disabilities are provided opportunity to fully engage with the curriculum
- Students with disabilities are respected as peers
- Behavioral norms are developed with all students in mind, and are communicated and honored by full classroom community
- Student can access all equipment and easily maneuver around the classroom and lab spaces

**Related Legal References:** Guidelines V.A, V.C and V.E

**Using Inclusive Language**

Words are a powerful tool for engagement and encouragement. However, words can also be harmful when we are not mindful of their impact. People first language is a way of communicating that shows respect for the student with disabilities by prioritizing the individual first and acknowledging the disability second. Below are examples of hurtful verse respectful language.

Hurtful	Respectful
Able-bodied	Student who does not have a disability
ADD student	Student who has attention deficit disorder
ADHD student	Student who has attention deficit hyperactivity disorder
Autistic student	Student who has autism spectrum disorder
Birth defect	Student who has a congenital disability
Blind student	Student who is blind
Brain damaged	Student with a brain injury
Confined to a wheelchair	Student who uses a wheelchair
CP Student	Student who has cerebral palsy
Crazy	Student with an emotional or mental disability
Crippled	Student with a physical disability
Developmentally delayed	Student who has a developmental delay
Disabled	Student with a disability
Downs	Student who has Down syndrome
Dumb	Student who is unable to speak
Dwarf	Student of short stature
Dyslexic	Student who has dyslexia
Emotionally disturbed	Student with an emotional disability
Epileptic	Student who has epilepsy
Epileptic fit	Epileptic seizure
Fits	Seizures
Handicapped	Student with a disability

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Handicapped parking	Accessible parking
Idiot	Student with an intellectual or cognitive disability
Imbecile	Student with an intellectual or cognitive disability
Insane	Student with an emotional or mental disability
Intellectually disabled	Student who has an intellectual disability
Learning disabled	Student who has a learning disability
Loony	Student with an emotional or mental disability
Lunatic	Student with an emotional or mental disability
Mentally handicapped	Student with an intellectual or cognitive disability
Mentally retarded	Student with an intellectual or cognitive disability
Midget	Student of short stature
Moron	Student with an intellectual or cognitive disability
Mute	Student who is unable to speak
Normal Student	Student who does not have a disability
Nuts	Student with an emotional or mental disability
Paraplegic	Student who has paraplegia
Quadriplegic	Student who has quadriplegia
Retard	Student with an intellectual or cognitive disability
Retarded	Student with an intellectual or cognitive disability
Schizophrenic	Student who has schizophrenia
Spastic	Student who has spastic cerebral palsy
Special ed student	Student who receives special education services
Stutterer	Student who stutters
Student in special education	Student who receives special education services
Wheelchair bound	Student who uses a wheelchair

**Logistical Considerations**

*Assistive Technology (AT)*

Maine CITE is the state's AT program providing AT Demo, AT Loan, and AT Reuse services; AT Training webinar events; information on AT resources, providers and Maine CITE also supports an online AT inventory for educators, therapists, students and families to access more than a thousand AT devices available for demo and loan in Maine.

*Transportation*

Sending schools are fiscally responsible for providing transportation to and from the CTE school and CTE satellite programs.

*Americans with Disabilities Act (ADA) Compliance*

All students regardless of physical ability must be able to access their CTE program and use equipment required for skill attainment. Accessibility requirements reflect ADA standards in place on the date of original groundbreaking or substantive alterations to the facilities. Particular attention is paid to pathways, classroom/lab and equipment accessibility, administrative spaces which student's frequent, as well as restrooms and common areas such as cafeterias and auditoriums where required activities are performed. The federally mandated Methods of Administration (MOA)

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review is conducted periodically by the Maine DOE School Review Coordinator to ensure compliance in these areas.

*Facility and Equipment Safety*

To ensure student safety, each CTE program identifies safety protocols reflective of space, equipment, and occupational needs. All enrolled students must follow these protocols to participate in program activities where safety is an identified concern. If a student is unable to meet these standards independently, the IEP team in conjunction with the CTE may put into place support systems to ensure student safety. Although safety may be a consideration while determining program fit it may not be the only factor considered during the enrollment process.

**Related Legal References:** 34 CFR104.33 (c.2); 20-A 5401(9); 28 CFR Part 35;

**Work-Based Learning**

Work-based learning is a supervised, school coordinated activity that provides students an opportunity to expand upon program curriculum through extended interactions to industry or community professionals in real workplace settings or simulated work environments. These interactions provide students a space to expand upon and develop their work readiness skills and can often be identified as a step within a student's transition plan. All labor laws for youth must be followed when establishing work-based opportunities. The parameters of these laws can be found on the *Maine Department of Labor: Maine Laws Governing the Employment of Minors* webpage.

**Community Partnerships and Volunteer Opportunities**

CTE schools often partner with community groups and organizations to complete live-work opportunities that help develop student skills while benefiting the larger community. Volunteer activities are an excellent way to develop civic engagement, sharpen student technical ability, and enable students to practice their workplace readiness. However, there are three conditions that allow students to lawfully volunteer as a school-based activity. Those are as follows:

- A volunteer cannot displace regularly paid employees doing the same tasks;
- The work must be for charitable, religious, or humanitarian purposes; and
- The volunteering must be done in nonprofit organizations only.

Source: [https://www.maine.gov/labor/labor\\_laws/publications/minorsguide.html](https://www.maine.gov/labor/labor_laws/publications/minorsguide.html)

**Internships**

Internships are often an entry point for students with disabilities to enter the workplace. They offer students an opportunity to showcase their skills to a potential employer while acclimating to the work environment. The structure of the internships determines whether that experience must be paid or may be unpaid. Often this determination is based on the conditions and relevance of the experience related to the academic programming a student is enrolled in. As stated on the Department of Labor's website:

"...to qualify as an unpaid training situation or an unpaid internship, the following primary beneficiary test must be used:

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- The extent to which the intern and the employer clearly understand that there is no expectation of compensation. Any promise of compensation, express or implied, suggests that the intern is an employee—and vice versa.
- The extent to which the internship provides training that would be similar to that which would be given in an educational environment, including the clinical and other hands-on training provided by educational institutions.
- The extent to which the internship is tied to the intern's formal education program by integrated coursework or the receipt of academic credit.
- The extent to which the internship accommodates the intern's academic commitments by corresponding to the academic calendar.
- The extent to which the internship's duration is limited to the period in which the internship provides the intern with beneficial learning.
- The extent to which the intern's work complements, rather than displaces, the work of paid employees while providing significant educational benefits to the intern.
- The extent to which the intern and the employer understand that the internship is conducted without entitlement to a paid job at the conclusion of the internship.

The primary beneficiary test is a flexible test and no single factor is determinative. Whether an intern or student is an employee necessarily depends on the unique circumstances of each case.”

Source: [https://www.maine.gov/labor/labor\\_laws/publications/minorsguide.html](https://www.maine.gov/labor/labor_laws/publications/minorsguide.html)

### **Summer Employment and Paid Work Experiences**

Participating in summer employment and paid work experiences is an excellent way for students to acclimate to the work environment while still experiencing the security and support of the educational facility. These work experiences can lead to the development of workplace behaviors that will benefit future employment outcomes. However, youth employment laws are in place to protect minors from working in unsafe or unhealthy conditions. They also ensure that work does not compromise the education of minors. These laws include guidelines around:

- minimum ages for employment
- work permits
- hours of work
- prohibited occupations

By understanding and complying with the rules governing the employment of minors, employers, teachers, and parents can help ensure teens have safe and positive work experiences. For more details around these regulations visit the Maine Department of Labors- *Maine Laws Governing the Employment of Minors*- web page.

Source: [https://www.maine.gov/labor/labor\\_laws/publications/minorsguide.html](https://www.maine.gov/labor/labor_laws/publications/minorsguide.html)

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**Department of Labor Resources**

*Vocational Rehabilitation*

Vocational Rehabilitation (VR) is a Bureau of Rehabilitation program that has a primary goal of assisting interested individuals who have disabilities to get and keep a job. VR can assist students with disabilities in coordinating information and resources as they transition from high school to adult life. A VR Counselor is assigned to each CTE and can act as an advisor and partner when establishing appropriate work-based learning opportunities for students with disabilities.

*Apprenticeships and Pre-Apprenticeships*

The Maine Apprenticeship Program assists in setting up structured, yet flexible training programs designed to meet the specific needs of Maine employers through on-the-job learning and related classroom instruction. Apprenticeship programs can be sponsored by employers, employer associations, or labor/management groups that can hire and train in a working situation.

**Related Legal References:** WIOA (H.R. 803 Title IV B.414); MRS Title 26, §3203

**Determining Program Completion**

The goal of CTE is to prepare students with work-based skills to transition into either employment or a post-secondary academic setting upon high school graduation. CTE programs in Maine are designed to extend over a one- or two-year timeframe meeting a 350 hours per year requirement. Subject matter content, industry requirements, selection of industry standards, and the average length of time required to master occupational skills are all decision points when determining a programs structure. On occasion, transition teams in collaboration with CTE administrators and instructors may decide extended time enrolled in a program is an appropriate accommodation for a student with disabilities. This option is suitable when additional seat time will provide a student the opportunity to obtain all required learning standards to achieve program completion. Some questions worth considering when making this decision are:

- Has the student obtained the required learning as defined by the program standards?
- Is the student progressing within their learning?
- Is the student likely to obtain the required skills and meet the learning standards if provided additional time in the program?
- Does the student consistently display an understanding and command of work readiness skills (punctuality, time management, team player, good hygiene, communication, customer service, etc.)?
- Would the student achieve greater post-secondary career or academic outcomes from additional time in the program?

The option of extending enrollment beyond the typical program cycle should be weighed to ensure the student's best interest are being met. The objective is to progressively move students toward their post-secondary career and/or academic goals while providing them the support they need to do so. If a student is not progressing, additional time may not be an appropriate accommodation and alternate learning opportunities may need to be considered. The accommodation of extended

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enrollment time should be used with discretion and must align with the required need of the individual student. An issue of steering students, or unlawful counseling, may be occurring if students who have successfully completed and achieved the full set of standards delivered over the course of a program is being steered toward that same program solely based on their disability status; or, if a third year is being pre-determined upon enrollment. Misuse of this option by extending enrollment at an unreasonably high rate or if evidence of steering students is present, an inquiry by the MOA Coordinator during the civil rights review may occur.

**Related Legal References:** 20 USC Ch. 33 §1412 a.1B; 05-071, Ch 232; Guidelines V.B, IV.N

**Appendix I: State and Federal Laws**

- Fair Labor Standards Act of 2007 (29 USC Ch. 8)
- Guidelines for Vocational Programs (34 CFR Part 100, Appendix B)
- Individuals with Disabilities Education Act (IDEA) (20 USC Ch. 33)
- Maine Department of Education 20-A MRSA Chapter 215: Transportation (20-A 5401)
- Maine Unified Special Education Regulation (MUSER) (05-071, Ch. 101)
- Registered Apprenticeship (MRS Title 26. Ch. 37)
- Section 504 of the Rehabilitation Act of 1973 (34 CFR, Part 104)
- Standard Criteria for Maine Secondary Vocational Programs (05-071, Ch 232)
- Title II of the Americans with Disabilities Act of 1990 (28 CFR Part 35)
- Workforce Innovation and Opportunity Act (WIOA) of 2013 (H.R. 803 113th)

**Appendix II: Definition of Terms**

Accommodations	Accommodations are practices and procedures in the areas of presentation, response, setting, and timing/scheduling that provide equitable access during instruction and assessments for students with disabilities. Accommodations are intended to reduce or even eliminate the effects of a students' disability; they do not reduce learning expectations. Examples of accommodations include extended testing time, using magnifying equipment, oral test responses, testing in a separate room, and listening to a technical manual instead of reading it.
Career and Technical Education	Educational system that offers a sequence of instruction providing technical and occupational knowledge and skills intersected with relevant academic standards that focuses on career readiness.
Career and Technical Student Organization	A designated student organization placing emphasis on leadership and skill development that is often vocationally focused.
Career Cluster	A grouping of occupations and broad industries based on commonalities.
CTE Concentrator	A CTE Concentrator at the secondary level in Maine is defined as a student who has attended an approved secondary CTE program for one full school year. In Maine an approved secondary CTE program

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	is required to have 350 hours of instructional time per academic school year.
CTE Participant	An individual who completed not less than one course in an approved career and technical education program or program of study.
English Learners	English learners are students with a primary or home language other than English.
Free Appropriate Public Education	Identifies and defines the right of free appropriate educational placements and services for students with disabilities.
Individualized Education Program	A written document that describes the abilities and needs of a child with a disability and prescribes the placement and services designed to meet the child's unique needs.
Individuals with Disabilities Education Improvement Act	Federal legislation that requires states to provide all children with disabilities with a free appropriate public education.
Informed Parental Consent	Informing the parent of all information relevant to the activity for which consent is sought, in the parent's native language or mode of communication.
Least Restrictive Environment	Educating a special needs student with his/her peers without disabilities to the maximum extent appropriate.
Local Education Agency	The school system in which the student attends.
Modifications	Changes to the curriculum that are designed to create a fair and equitable opportunity for students with disabilities to reach learning goals. Examples of modifications include requiring less material (fewer competencies, shorter units or lessons, fewer pages or problems), abbreviating assignments and assessments so that the student only has to complete certain problems or items.
Program Standards	Curriculum benchmarks identifying learning expectations that align with industry specific skills and knowledge.
Related Services	Related services means special education transportation, and such developmental, corrective, and other related services pursuant to the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1401 (26) and, <i>as defined by the Commissioner</i> , as required to assist children with disabilities to benefit from special education. The term related services does not include a medical device that is surgically implanted, or the replacement of such device. [20 USC 1401(26)]
Sending Schools	The middle or secondary school in which a student is enrolled and receiving their general education or receiving services through as a home instructed student.
Special Education Coordinator	The individual charged with organizing and safeguarding services for qualifying students and families of students with IEP and 504 needs.
Special Education Teacher, or Career and Technical	An individual with a teaching endorsement specialized in servicing students with disabilities in the classroom or CTE setting.

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Teacher of Students with Disabilities	
Specially Designed Instruction	Specially designed instruction means adapting, as appropriate to the needs of an eligible child under Part B of IDEA, the content, methodology, or delivery of instruction to address the unique needs of the child that results from the child’s disability, and to ensure access to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the SAU that apply to all children [34 CFR 300.39(b)(3)]. <i>Specially designed instruction is instruction provided to children ages three to twenty by an appropriately qualified special education professional or an appropriately authorized and supervised educational technician consistent with a child’s IEP. The design and delivery of services is uniquely designed to assist children to meet the goals of the child’s IEP</i>
Transition Planning	A coordinated set of activities designed within a results-oriented process based upon the function and academic abilities of the student that facilitates movement from school to postschool activities.
Work-Based Learning	Sustainable interactions with industry or community professionals in real workplace settings, to extent practicable, or simulated environments at an educational institution that fosters in depth, first hand engagement with the tasks required of a given career field, that are aligned to curriculum and instruction.

**Appendix III: Acronyms**

ADA	Americans with Disabilities Act
AT	Assistive Technology
CTE	Career and Technical Education
DBVI	Division for the Blind and Visually Impaired
DVR	Division of Vocational Rehabilitation
IEP	Individualized Education Program
LRE	Least Restrictive Environment
MOA	Methods of Administration
Pre-ETS	Pre-Employment Transitional Services
SAU	School Administrative Unit
VR	Vocational Rehabilitation

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For additional resources around serving students with IEP and 504 needs in Maine's CTE please review the Maine Department of Education's Career and Technical Education and Office of Special Services web pages.

For a comprehensive list of CTE schools and contact information please visit:

<https://www.maine.gov/doe/learning/cte/cteschools>

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